


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

FILED BY:  D.C.
2003 JUL 21 PM 3:37

Case No: 01-0456-CIV-GRAHAM/GARBER

CLERK U.S. DIST. CT.
S.D. OF FLA - MIA

JACLYN ALFONSO,

Plaintiff,

v.

THIS IS A CONSENT CASE

BRINKER FLORIDA, INC., d/b/a
ROMANO'S MACARONI GRILL,

Defendant.

**AGREED MOTION FOR APPROVAL OF SETTLEMENT STIPULATION
AND FOR ENTRY OF STIPULATED FINAL JUDGMENT**

COME NOW the Plaintiffs, ALBERT SCHMITT, ORLANDO PIEDRAHITA, BETH STORY, DANA D'OENCH, ALEJANDRA PICCIONE, MICHAEL SZATALA, MARIA LOURDES AGUILAR, ROXANNA QUINTANA, SERGIO DIEGO, SALLY D. NOYER, JOSUE PARRAS, JESUS SALAZAR, KRAIG SALTER, JOSHUA J. CARABALLO, JACLYN ALFONSO, JOSE NORAT, FAYE GORDAN, LEISA SALTZMAN, LILA BAKER, CARL SCIULLI, MICHAEL PEX and MIGUEL QUINTERO, (hereinafter "Plaintiffs") and the Defendant, BRINKER FLORIDA, INC. ("Brinker"), by and through their undersigned attorneys of record, and hereby move for approval of the settlement of this action as negotiated at mediation and for entry of a judgment of dismissal of this action with prejudice, reserving jurisdiction as stated below.

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As cause therefore, the parties would show the Court as follows:

1. This is an action for minimum wages and overtime pursuant to the Fair Labor Standards Act, 29 U.S.C. Section 201 et seq. Each of the Plaintiffs voluntarily joined this action, either as initial representative plaintiffs or as opt-in plaintiffs. Additionally, two Plaintiffs claim damages for retaliation for bringing this action.

2. The claims involve numerous contested issues of fact and law concerning the various Plaintiffs' claims. Defendant denies and disputes liability, damages entitlement and calculations, and the timeliness of all or part of many of the Plaintiffs' claims.

3. Pursuant to this Court's Order for Mediation dated March 5, 2003, Defendant through its authorized representative and its counsel of record, and Plaintiffs, and their authorized representatives, and their counsel of record, participated in mediation on May 6, 2003.

4. At this mediation, and at all other relevant times in this action, the Plaintiffs have been represented by the undersigned attorneys and have had the benefit of their counsel and advice.

5. At mediation, a confidential settlement agreement was negotiated on behalf of all of the parties, the terms of which reflect a reasonable compromise of the parties' many disputed issues. The agreement fairly and reasonably compromises and takes into account each party's interests, benefits and rights, pursuant to the criteria and policy considerations set forth in Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350, 1354 (11th Cir. 1982).

5. The settlement agreement further provides that the parties will ask this Court to dismiss this action with prejudice, reserve jurisdiction to enforce the settlement agreement and to

determine the reasonable attorneys fees and costs due to Plaintiffs' counsel upon proper motion and proof.

WHEREFORE, the Parties hereby respectfully move for approval of the settlement and for entry of final judgment reflecting its approval and dismissing this action, reserving jurisdiction only to enforce the settlement agreement and award Plaintiffs' counsel reasonable fees and costs. A proposed Stipulated Final Judgment is submitted herewith.

Respectfully submitted,

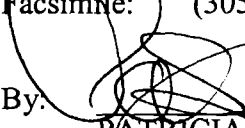
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By: _____
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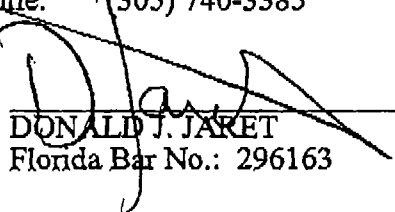
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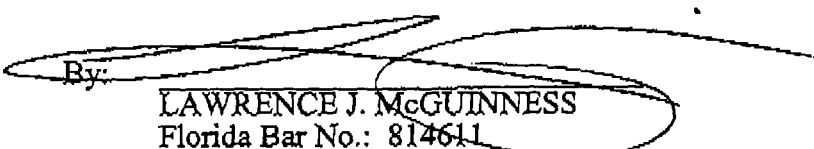
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STIPULATED FINAL JUDGMENT

THIS CAUSE having come before me on the Agreed Motion For Approval Of Settlement Stipulation And For Entry Of Stipulated Final Judgment, and the Court, being fully advised in the premises, it is hereby ordered and adjudged as follows:

1. That the Confidential Settlement Agreement among the Parties is hereby approved as being a fair and reasonable compromise of the many disputed issues of law and fact remaining in this action, many of which the Court is aware, from its review of the pretrial stipulation, and the pleadings and pending dispositive motions in the record;

2. That the Motion for approval of settlement stipulation is hereby granted;

3. That this Court reserves jurisdiction for the purpose of enforcing the Settlement Agreement, and for awarding Plaintiffs' counsel reasonable fees and costs herein; and

4. That otherwise, this action is dismissed with prejudice.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this _____ day of _____, 2003.

BARRY L. GARBER
United States Magistrate Judge

Copies Furnished To:
All Counsel of Record

Case No: 01-0456-CIV-GRAHAM/GARBER

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